

A. G. Contract No. KR89-1129TRD
ECS File: IGA-88-16
Project: VLT-900-960
Section: McFarland State Park

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF TRANSPORTATION
AND
THE ARIZONA STATE PARKS BOARD

THIS AGREEMENT is entered into 15 JUNE, 1989,
between the ARIZONA DEPARTMENT OF TRANSPORTATION ("ADOT") and
the ARIZONA STATE PARKS BOARD (the "Parks Board").

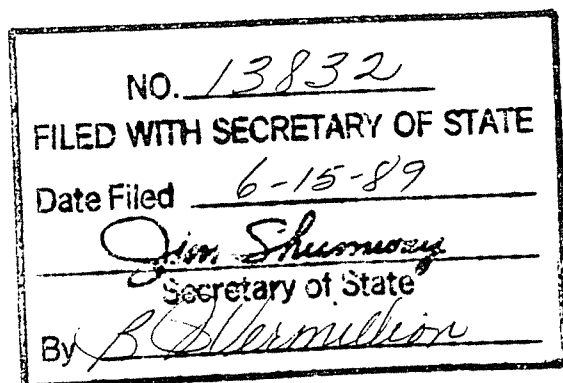
I. RECITALS

1. ADOT is empowered by Arizona Revised Statute Sections 11-952 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Parks Board is empowered by Arizona Revised Statutes Section 41-511.05 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of the Parks Board.

3. By Resolution No. 89, the Parks Board has designated roads, spurs and other traffic related appurtenances within State Park boundaries as public highways for the purpose of chip sealing and placing a new asphaltic concrete pavement.

4. The purpose of this agreement is to set forth the responsibilities of ADOT and the Parks Board in designing and constructing improvements to park roads, parking areas and related facilities.



THEREFORE, the parties hereto agree as follows:

SCOPE OF WORK

1. According to ADOT standards and specifications and at its own cost, ADOT shall design, call for bids, award one or more construction contracts and administer the contract(s) for improvements to the park.

a. The improvements include, but are not limited to, paving existing park roads and parking area and constructing concrete curb and sidewalk at the parking area.

b. The estimated cost of these improvements is \$60,000.

2. The Parks Board shall provide information to support the development and construction of the project, including as-built plans, aerial photos, topography and survey notes of existing facilities and necessary permits allowing for the contemplated construction.

* 3. Maintenance and operation of said Park improvements shall be the sole responsibility of the Parks Board.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said construction project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of construction, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled by the Governor in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal

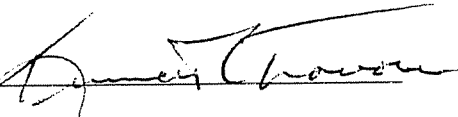
counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

ARIZONA STATE PARKS BOARD

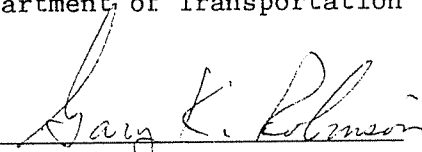
STATE OF ARIZONA
Department of Transportation

By



Executive Director

By



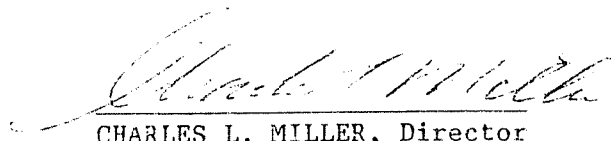
Gary K. Robinson
Chief Deputy State Engineer

0740j

RESOLUTION

BE IT RESOLVED on this 14th day of February 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Arizona State Parks Board for the purpose of providing improvements to McFarland State Park

THEREFORE, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.


CHARLES L. MILLER, Director
Arizona Department of
Transportation

RESOLUTION NO. 89
By the Arizona State Parks Board
Authorizing the Execution of the Intergovernmental
Agreement with the
Department of Transportation

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, **BE IT RESOLVED** on this 12th. day of May 1989, that **THE ARIZONA STATE PARKS BOARD** determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the **ARIZONA DEPARTMENT OF TRANSPORTATION** wherein the **ARIZONA DEPARTMENT OF TRANSPORTATION** will improve various areas within McFarland Historical State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within McFarland Historical State Park for the purpose of constructing revetments under the Interagency Agreement, Project VLT-900-942.

THEREFORE, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

After general discussion, the motion to adopt said resolution was made by Duane Miller and seconded by William Roe, and was unanimously carried by the members present, as follows:

Joni Bosh
William Roe
Duane Miller
M. Jean Hassell

There upon, Joni Bosh, Chairman of the Arizona State Parks Board, declared that the Resolution had been adopted.

Attest: On May 12, 1989, the Aforementioned Resolution was passed on the Consent Agenda and adopted by the Arizona State Parks Board in Regular Session.



Joni Bosh, Chairman



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR 89-1129, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 8th day of June, 1989.

ROBERT K. CORBIN
Attorney General

A handwritten signature in cursive script, reading "James R. Redman".

Assistant Attorney General
Transportation Division

0635G